



Public Service Commission

For Immediate Release: 05/11/2022

Rory M. Christian, Chair

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22041 / 22-M-0224

Virtual Public Statement Hearing Set Regarding Xerox's Webster Park Transfer

ALBANY — The New York State Public Service Commission (Commission) will hold a virtual public statement hearing on **Wednesday, May 18, 2022**, regarding Xerox Corporation's (Xerox) request to continue to provide electricity and water to Webster Park utilizing Xerox's existing distribution facilities in the Town of Webster, Monroe County.

On April 15, 2022, Xerox filed a petition for an order allowing it to continue to provide utility service to a portion of the 776-acre industrial park that it has owned and operated for a number of years. Because Xerox has only served itself and its tenants with those electric and water distribution facilities, it states that it has always been exempt from regulation as both an electric corporation and waterworks corporation. Xerox is preparing to subdivide and sell 110.9 acres of Webster Park to Tessy Webster Facility, LLC (Tessy). Xerox and Tessy anticipate closing the transfer by June 30, 2022. Due to the existing arrangement of the electric and water distribution facilities within Webster Park, Xerox will continue to serve the Tessy parcel with electricity and water following the transfer, which will then render Xerox a PSL-regulated electric and water-works corporation.

As a result, the petition asks the Commission to issue an order: (1) granting Xerox a CPCN pursuant to PSL §68 to continue to provide electricity via its existing electric distribution facilities to the Tessy parcel following the transfer, (2) providing that Xerox will be subject to incidental regulation as an electric corporation pursuant to PSL §66(13) when it provides electricity to the Tessy parcel following the transfer, and (3) providing that Xerox will be subject to incidental regulation as a waterworks corporation pursuant to PSL §89-c(11) when it provides water to the Tessy parcel following the transfer. Xerox asserts that authorizing it to continue to provide electricity and water to the Tessy parcel utilizing Xerox's existing distribution facilities in Webster Park is in the public interest because it will promote regional economic development, job creation, and fiscal benefits through the use of existing infrastructure and other resources.

PLEASE TAKE NOTICE that a virtual public statement hearing will be held before Administrative Law Judge (ALJ) Gregg Sayre as follows:

DATE: WEDNESDAY, MAY 18, 2022

TIME: 1:00 P.M.

Electronic Access: www.webex.com

Event Number: 2331 460 6222

Password: May18-1pm

Phone-Only Access: 518-549-0500

Access Code: 2331 460 6222

Those wishing to comment on any aspect of this proceeding will have the opportunity to make a statement on the record at the virtual public statement hearing. Any person wishing to provide a public statement on the record at the hearing must pre-register to do so by 3:00 p.m. on **Tuesday, May 17, 2022.**

To register electronically: Visit www.webex.com, by the date and time indicated above, and click “Join” at the top right-hand corner of the screen, enter the event number listed above, and provide all requested information.

When logging in to the hearing on the appropriate date and time, participants will be asked to “select audio system.” It is recommended that participants opt to have the system “call me” or “call using computer.” The “call me” option will require that participants enter their phone numbers.

To register by phone: Call **1-800-342-3330** by the date and time noted above, follow prompts to the appropriate hearing, and provide the following information: first and last name, address, and phone number.

On the date and time of the hearing, all call-in users should dial 518-549-0500 and enter the access code listed above to join the hearing.

All participants will be muted upon entry into the hearing. The ALJ will call on each person who has asked to provide a statement. The public statement hearing will be held open until everyone who has registered to speak has been heard or other reasonable arrangements to submit comments into the record have been made. Time limits may be set for each speaker, as necessary. It is also recommended that lengthy comments be submitted in writing and summarized for oral presentation. A verbatim transcript of the public statement hearing will be made for inclusion in the record of this case.

Persons with disabilities requiring special accommodations should call the Department of Public Service’s Human Resources Management Office at 518-474-2520 as soon as possible. TDD users may request a sign language interpreter by placing a call through the New York Relay Service at 711. Individuals with difficulty understanding or reading English are encouraged to call the Department at 1-800-342-3377 for free language assistance services regarding this notice.

Other Ways to Comment

For those who cannot attend or prefer not to speak at the public statement hearing, there are several other ways to provide your comments. Comments should refer to “Case 22-M-0224.” Although comments will be accepted throughout the course of this proceeding, they are requested by May 25, 2022.

Internet or Mail: Go to www.dps.ny.gov, click on “Search” and enter “22-M-0224” in the “Search by Case Number” field, and then click on “Post Comments” at the top right of the page.

Alternatively, comments may be mailed to the Hon. Michelle L. Phillips, Secretary, Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350. All written comments will become part of the record considered by the Commission and may be accessed on the Department of Public Service website by searching the case number, as described above, and clicking on the “Public Comments” tab.

Toll-Free Opinion Line: You may call the Commission’s Opinion Line at 1-800-335-2120. This number is set up to take comments about pending cases from in-State callers 24-hours a day. These comments are not transcribed verbatim, but a summary is provided to the Commission.

PLEASE TAKE FURTHER NOTICE that a procedural conference will be held on May 18, 2022, immediately following the public statement hearing, as part of the same teleconference. The principal purposes of the procedural conference are to identify any potential parties and provide interested persons an opportunity to present and explain any proposals regarding the procedures they believe should be followed in this case by the ALJ and Commission, including, but not limited to, whether any issues of fact presented by the petition or public comments warrant an evidentiary hearing. Other procedural issues also may be addressed.